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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT  
(Sutter)**

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THE PEOPLE,	C060234
Plaintiff and Respondent,	(Super. Ct. No. CRF07-2987)
v.	
ALEJANDRO MUNOZ,	
Defendant and Appellant.	

In a trial to the court following his waiver of jury trial, defendant Alejandro Munoz was convicted of second degree robbery. (Pen. Code, §§ 211, 212.5, subd. (c).)<sup>1</sup> He was sentenced to state prison for the middle term of three years, awarded 15 days of custody credit and three days of conduct credit, ordered to make restitution to the victim (\$ 1202.4, subd. (f)), and ordered to pay a \$200 restitution fine (\$ 1202.4, subd. (b)), a \$200 restitution fine suspended unless parole is revoked (\$ 1202.45), and a \$20 court security fee (\$ 1465.8).

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<sup>1</sup> Undesignated statutory references are to the Penal Code.

## **FACTUAL BACKGROUND**

On October 18, 2007, victim Anthony Chavez was riding his bicycle in Sutter County. As he rode, he encountered a group of six people on a sidewalk. He rode toward the group intending to ask one of its members, whom he believed he recognized from school, whether there were any upcoming parties. However, before he had an opportunity to ask, all six people circled him. Two or three people grabbed his coat sleeves, preventing him from raising his arms. He was punched in the area of his right-side temple, ear, and jaw, as well as his right ribs.

Chavez had a wallet that was attached by a chain to his belt. After a brief tug-of-war, the chain broke and the group fled. One group member dropped the wallet, quickly picked it up, and continued to run. The wallet contained a little over \$200. Chavez did not see what happened to the money as the group ran off with his wallet.

The group scattered when they encountered Yuba City Police Officer William Wolfe. Chavez approached Wolfe and informed him of the assault. Wolfe chased after some of the group members. Chavez returned to his bicycle and observed that one group member, whom he identified in court as defendant, was returning to the area. Chavez walked up to defendant, who appeared scared. Defendant said to Chavez, "Here is your stuff back. I don't want anything." Defendant handed Chavez his wallet, which at that point contained \$10 to \$20. An officer approached, and defendant fled over "a couple fences."

Officer Wolfe went to a residence where he had seen a male subject jump a fence. Wolfe and two other officers obtained consent to search. The consenting person turned out to be defendant's mother. In an area described as an attic or a walk-in closet, which was attached to defendant's bedroom, officers located defendant and another suspect. The attic was uncomfortably hot, and the two suspects were sweating and breathing heavily. The suspects were in a far corner of the area and the lights were off.

Officer Wolfe escorted defendant out of the residence, where Chavez identified him as one of the assailants.

The defense rested without presenting any evidence or testimony.

### **DISCUSSION**

Defendant appealed and we appointed counsel to represent him on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days have elapsed, and we have received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

## DISPOSITION

The judgment is affirmed.

\_\_\_\_\_, BUTZ, J.

We concur:

\_\_\_\_\_, SCOTLAND, P. J.

\_\_\_\_\_, SIMS, J.